



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,886	03/19/2004	Katsumi Komagamine	Q80625	7161
65565 7590 02/02/2009 SUGHRUE-265550 2100 PENNSYLVANIA AVE. NW WASHINGTON, DC 20037-3213				
EXAMINER PARK, CHAN S				
ART UNIT 2625		PAPER NUMBER		
MAIL DATE 02/02/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,886

Applicant(s)

KOMAGAMINE ET AL.

Examiner

CHAN S. PARK

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 9 and 20-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 4, 9 and 20-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 10/9/08, and has been entered and made of record. Currently, **claims 4, 9 and 20-22** are pending.

Response to Arguments

2. Applicant's arguments with respect to claims **4, 9 and 20-22** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation "the instruction" in line 6. There is insufficient antecedent basis for this limitation in the claim. For examining purpose, the limitation is construed as the signals/commands sent from the controller to the print engine to print the template.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 4, 9 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. U.S. Patent Application Pub. No. 2003/0206316 (hereinafter Anderson).

With respect to claim 4, Anderson discloses an image processing system comprising:

a storage unit that stores a template defining a layout of an object on a reproducing medium having a first size, and restriction information corresponding to the template (a template with tags for sizing options in paragraphs 40, 41 & 60);

an operation unit operable to receive an operation for setting the template to a second size (paragraph 55);

an acquiring unit operable to acquire size information indicating the first size of the template (template size for calculating the aspect ratio in paragraph 59) and the restriction information (the “Fit Within” tag for indicating the maximum resizing size (the print area) of the template in paragraph 60); and

a print control unit operable to resize the template based on the acquired size information and the received operation so that the template defines a layout of the object on a reproducing medium having the second size based on the resized template (resizing the template in paragraph 60),

wherein the first size is different from the second size, and an aspect ratio of the first size is substantially equal to an aspect ratio of the second size (resizing the template without changing the aspect ratio in paragraph 60), and

wherein a settable range of the second size is restricted by the restriction information (restricted to the print area size in paragraph 60).

With respect to claim 20, Anderson discloses the image processing system according to claim 4, wherein the restriction information indicates a maximum size which is settable as the second size (the “Fit Within” tag for indicating the maximum resizing size (the print area) of the template in paragraph 60).

With respect to claim 21, Anderson discloses the image processing system according to claim 4, wherein the restriction information indicates a range of the aspect ratio that is suitable for the settable second size (the aspect ratio is restricted to be the same in paragraph 60).

With respect to claim 22, Anderson discloses the image processing system according to claim 4,

wherein that storage stores a plurality of templates which have different size information from each other (storage for storing the templates in paragraphs 54 & 71),

wherein the image processing system further comprises a selecting unit operable select one of the templates (paragraph 55), and

wherein the print control unit resizes the selected template and outputs the instruction based on the selected and resized template (printer outputting instructions the print engine to output the resized template 1540 in paragraph 54).

With respect to claim 9, Anderson teaches an image processing method comprising:

storing a template defining a layout of an object on a reproducing medium a first size and restriction information corresponding to the template (a template with tags for sizing options in paragraphs 40, 41 & 60);

receiving an operation for setting the template to a second size (paragraphs 55 & 60);

acquiring size information indicating the first size of the template (template size for calculating the aspect ratio in paragraph 59) and the restriction information (the "Fit Within" tag for indicating the maximum resizing size (the print area) of the template in paragraph 60);

resizing the template based on the acquired size information and the received operation so that the template defines a layout of the object on a reproducing medium having the second size (resizing the template in paragraph 60); and

outputting an instruction for printing the object on the reproducing medium having the second size based on the resized template (printer outputting instructions the print engine to output the resized template 1540 in paragraph 54),

wherein the first size is different from the second size and an aspect ratio of the first size is substantially equal to an aspect ratio of the second size (resizing the template without changing the aspect ratio in paragraph 60), and

wherein a settable range of the second size is restricted by the restriction information (restricted to the print area size in paragraph 60).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571)272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAN S PARK/
Examiner, Art Unit 2625

January 29, 2009